S.B.CIVIL WRIT PETITION No.4304/2001
ANSHUMAN DOBWAL V/s UNIVERSITY OF RAJASTHAN & Anr.
AND
S.B. CIVIL WRIT PETITION No.3901/2001
JEETENDRA NATH DUBEY V/s UNIVERSITY OF RAJASTHAN & Anr.

5.2.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Ms. Jyotsna Wahane for the petitioners.
Ms. Manjeet Kaur for the respondents.

Heard learned counsel for the parties.

The prayer that has been made in these writ petitions is that the respondents be directed to correct the mark-sheet of IVth attempt of B. Pharmacy Part-II examination of the petitioners by adding grace marks thereto and the petitioners should be declared pass.

Learned counsel for the respondents submits that grace marks are not awardable to the petitioners because they could not pass Part-II of the B. Pharmacy even in four attempts which were granted to them. In accordance with provisions of O.299-W-5, they have either the instructions issued by the University of Rajashan with regard to award of grace marks according to the clause B-2 , no grace marks would be awarded to a candidates who appears in part/supplementary examinations. The petitioners having not passed Part-II examination even in 4th attempt, therefore according to her, they cannot be allowed grace marks.

Having heard the arguments advanced by the learned counsel, I find that these writ petitions were filed way back in the year 2001 with the prayer that the respondent University be directed to permit the petitioners to appear in the subsequent examination but no such prayer was granted at interim stage and the petitions remained pending since then. As per the scheme of the Ordinance, a candidate is required to secure minimum 50% marks of the maximum marks separately in Theory and Practical (including sessionals) for being declared pass. The petitioners in spite of being allowed 4th attempt

to clear such examination, failed to do so. Grace marks as per clause B-2 supra cannot be allowed to a candidate who has appeared in any part/supplementary examination. This court cannot issue any direction to the respondents requiring them to act contrary to the rules. Besides, it is also not known whether the petitioners could be granted such marks necessary for declaring them pass as per rules.

Consequently, I do not find any merit in these writ petitions and the same are dismissed with no order as to costs.

(MOHAMMAD RAFIQ),J.

CHAUHAN/